

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

JAMES MARQUARDT
and SUZANNE MARQUARDT,

Index No. 18-72765 (AST)

Chapter 13

Debtors.

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ORDER VOIDING WHOLLY UNSECURED MORTGAGE

UPON the motion (the “Motion”) of James Marquardt and Suzanne Marquardt (the “Debtors”), the above-referenced debtors, by and through their counsel, Richard L. Stern, P.C., for an order voiding the wholly unsecured mortgage of Wells Fargo Bank, N.A. (“Wells”), as trustee for Franklin Mortgage Loan Trust 2006-FFB (the “FML Trust”) and serviced by Specialized Loan Servicing LLC (“SLS”), against the real property located at, and known as, 5 Champlain Street, Port Jefferson Station, New York 11775 (the “Real Property”), and proof of claim filed by Wells, as trustee for FML Trust, assigned claim number 5 (the “Claim”), in the secured amount of \$70,267.58 as a wholly unsecured claim; and notice of the Motion being good and sufficient, and no further notice being necessary nor required; and no objections to the Motion having been filed or received; and after due deliberation and sufficient cause appearing therefore, it is hereby:

ORDERED, pursuant to §§506(a), (d) and 1322(b) of title 11 of the United States Code, the Motion is granted; and it is further


ORDERED, that the mortgage lien held by Wells Fargo Bank, N.A., as trustee for Franklin Mortgage Loan Trust 2006-FFB, which lien is serviced by Specialized Loan Servicing LLC, as evidenced by original mortgage, dated August 1, 2006, executed in favor of the Mortgage Electronic Registration System, Inc., as nominee for First Franklin Financial, in the principal balance of \$80,500, which mortgage was recorded on August 16, 2006 in Liber M00021364 at

page 142 against the Real Property located at and known as 5 Champlain Street, Port Jefferson Station, New York 11775, District 0200, Section 281.00, Block 06.00, Lot 038.00, thereafter modified by home affordable second lien modification agreement, dated June 25, 2013, and thereafter assigned by assignment of mortgage, dated May 14, 2018, to Wells Fargo Bank, N.A., as trustee for Franklin Mortgage Loan Trust 2006-FFB, shall be treated as wholly unsecured during the pendency of the Debtors' chapter 13 case; and it is further

ORDERED, that within 30 days after the Debtors complete all payments under Debtors' chapter 13 plan, Debtors may file a motion seeking to void the mortgage held by Wells Fargo Bank, N.A., as trustee for Franklin Mortgage Loan Trust 2006-FFB, such motion shall be accompanied by an affidavit of Debtors certifying that all payments to be made to the chapter 13 trustee have been made, and that all post-petition mortgage payments, vehicle payments, real estate taxes, and domestic support obligations that are to be paid directly by the Debtors under the Debtors' chapter 13 plan have been paid, such motion shall also certify that it has been served on all parties-in-interest.

Dated: September 25, 2018
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge